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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA PROLIFE COUNCIL
POLITICAL ACTION COMMITTEE,

NO. CIV. S-96-1965 LKK/DAD

Plaintiff,

v.

JAN SCULLY, et al.,
/ Defendants and
Defendants in
Intervention.

ORDER

AND CONSOLIDATED ACTIONS.

On March 1, 2001, the court declared Cal. Gov't. Code
§§ 84305.5 and 84503 unconstitutional and their enforcement was
permanently enjoined. On March 12, 2001, defendants filed a motion
to alter or amend judgment for relief from judgment for clerical
error. I turn to defendants' arguments.

Defendants submit that the court's ruling casts doubt upon not
only the constitutionality of the Proposition 208 slate mail
provisions, but on § 85305.5 as it existed before the 1996

1 amendments. The court has not considered § 84305.5 as it existed
2 before its amendment, and offers no opinion as to its
3 constitutionality. Accordingly, the court notes that it has only
4 ruled on the constitutionality of § 84305.5 insofar as it was
5 amended by Proposition 208.

6 Next, defendants request the court to clarify whether § 84503
7 was declared unconstitutional in its entirety or in its application
8 to slate mail. Given that the court's order was made exclusively
9 in the context of slate mail advertising it did not consider the
10 broader question of the provision's application. Thus, the court
11 has only held that Cal. Gov't Code § 84503 is unconstitutional as
12 applied to slate mailers.

13 IT IS SO ORDERED.

14 DATED: May 4, 2001.

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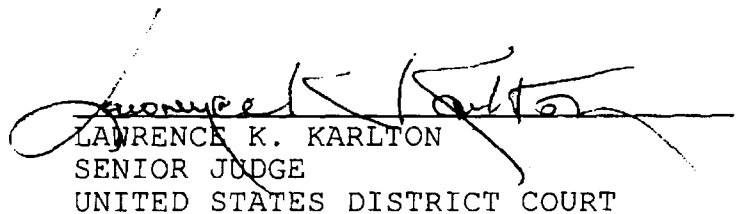
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LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT